

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,828

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his food stamp benefits. The issue is whether the Department correctly calculated the petitioner's income and expenses.

FINDINGS OF FACT

The facts are not in dispute. Prior to May, 1994, the petitioner received food stamps of about \$50.00 a month based on his income from Social Security of \$676.00 a month, and his shelter expenses at that time. In April, 1994, two changes occurred in the petitioner's circumstances. First, he became eligible for SSI benefits of \$464.00 a month, and continued to be eligible for Social Security under a "PASS" plan whereby he was required to set aside the amount of his SSI benefits to use specifically for a plan of employment. The other change was that the petitioner obtained subsidized housing, which substantially lowered his monthly shelter and utility expenses. This resulted in a reduction in the petitioner's food stamps to \$18.00 a month (effective June 1, 1994).

At the hearing, held on June 16, 1994, the Department carefully went over the petitioner's food stamp calculations for the petitioner and the hearing officer. Once shown the basis of the Department's calculations (in particular, the fact that the Department had not attributed any of the SSI that he set aside in his PASS account as income for food stamp purposes) the petitioner had no dispute with either the income or the expenses the Department had attributed to him. While not agreeing that the changes in his housing situation should have merited such a reduction in his food stamps, the petitioner took no issue with the basis in the regulations under which the Department calculated his monthly benefit amount.

ORDER

The Department's decision is affirmed.

REASONS

Based on the petitioner's income and shelter expenses it is clear that the Department has correctly calculated the amount of the petitioner's monthly food stamp allotment. See Food Stamp Manual § 273.10. The board has often commented upon the unfortunate fact that an increase in benefits to an individual under many federal benefit programs (in this case, subsidized housing) is usually offset by a reduction in that individual's food stamps (although, fortunately, not dollar for dollar). However, when, as here, the Department's decision is in accord with the applicable food stamp regulations, the board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

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